

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF COLUMBIA

MICHAEL RINTOUL,

Plaintiff,

vs.

OLD DOMINION FREIGHT LINE, INC., a
foreign corporation,

Defendant.

Case No. 21CV43014

SUMMONS

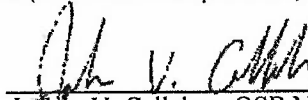
TO: Defendant OLD DOMINION FREIGHT LINE, INC.

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, Plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the Plaintiff's attorney or, if the Plaintiff does not have an attorney, proof of service upon the Plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

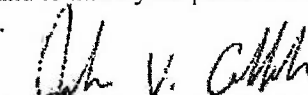

Joshua V. Callahan, OSB No. 110853
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Joshua@callahanlawyer.com

STATE OF OREGON)
) ss.
County of Clackamas)

I, the undersigned attorney of record for the Plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


Joshua V. Callahan, OSB No. 110853

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the attached hereto or upon a separate similar document which you shall attach hereto.


Joshua V. Callahan, OSB No. 110853

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR COLUMBIA COUNTY

MICHAEL RINTOUL,)	Case No.: 21CV43014
Plaintiff,)	
vs.)	COMPLAINT AND DEMAND FOR JURY TRIAL
)	
OLD DOMINION FREIGHT LINE, INC., a)	(Tort-Motor Vehicle)
foreign corporation,)	(Not Subject to Mandatory Arbitration)
Defendant.)	Total prayer: \$325,000.00
)	Filing fee \$594.00 per ORS 21.160(1)(c)

Plaintiff MICHAEL RINTOUL (hereinafter referred to as "Plaintiff") alleges as follows:

1.

At all times material herein, Plaintiff resided within Columbia County, Oregon

2.

The collision that is the subject of this action occurred in Columbia County, Oregon.

3.

At all times material herein, OLD DOMINION FREIGHT LINE, INC. (hereinafter "Defendant") was a foreign corporation of the State of North Carolina that, at all relevant times, conducted regular and sustained business within Multnomah County, Oregon. Defendant is vicariously liable for the negligence of it's employees and agents.

4.

At all times material herein, Defendant and Defendant's agent was operating a freight delivery vehicle and trailer (hereinafter referred to as the "truck").

5.

On November 5, 2019, at approximately 4:33pm, an Old Dominion truck driven by Antonio Sparrow was making a delivery to the business/residence of Plaintiff for his company, Grizzly Big Bore Ammunition. Mr. Sparrow pulled headfirst into the property rather than backing in to make his delivery as requested and complied with many times before. Following his delivery, Mr. Sparrow began pulling further onto plaintiff's property in an attempt to turn around and head back out onto the road. Plaintiff instructed Mr. Sparrow to back out of the property and offered to help him clear any traffic so that he would not damage plaintiff's property in his attempt to turn around in the small space. Mr. Sparrow disregarded plaintiff's instructions and began driving onto the grass causing damage. Plaintiff stopped Mr. Sparrow and stepped in front of his truck to keep him from continuing to cause damage at which time Mr. Sparrow hit the accelerator causing the truck to lurch forward striking plaintiff and injuring him.

FIRST CLAIM FOR RELIEF
(Negligence)

6.

A substantial factor and cause of the collision, as described in paragraph five (5) above, was the direct and foreseeable result of Defendant's negligence in one or more of the following particulars:

- a) In failing to take evasive action to avoid hitting Plaintiff;
- b) In failing to apply the brakes to avoid hitting Plaintiff;
- c) In failing to maintain control of his vehicle;

- 1 d) In failing to keep a proper lookout;
- 2 e) In driving carelessly in violation of ORS 811.135;
- 3 f) In failing to exercise due care as required by ORS 811.005;
- 4 g) In failing to remain at the scene of the collision, call 911 and/or render first aid;
- 5 h) In failing to perform duties of a driver to injured person in violation of ORS 811.705;
- 6 and
- 7 i) In failing to follow proper procedures, training, and protocols for deliveries.

8 SECOND CLAIM FOR RELIEF
9 (Recklessness)

10 7.

11 A substantial factor and cause of the collision, as described in paragraph five (5) above,
12 was the direct and foreseeable result of Defendant's reckless in one or more of the following
13 particulars:

- 14 a) In driving recklessly in violation of ORS 811.140; and
- 15 b) In recklessly engaging in conduct which created a substantial risk of serious physical
16 injury to Plaintiff in violation of ORS 163.195.

17 8.

18 As a direct, proximate, and foreseeable result of the negligence and recklessness of
19 Defendant, Plaintiff suffered injury to the muscles, nerves, tendons, ligaments, bones and soft
20 tissues of his shoulders, knees, back and hips; decreased range of motion; and sleep disturbance;
21 all of which injuries, and the consequences of them, are or may be permanent and have caused
22 him to suffer non-economic damage in the form of past pain and suffering as well as loss of
23 enjoyment of life and inability to engage in usual activities apart from gainful employment in a
24 reasonable amount to be determined by a jury at trial, but not to exceed \$250,000.

9.

As a direct, proximate, and foreseeable result of the negligence of Defendant, Plaintiff suffered economic damages consisting of his past and future medical care expenses and damages to his property in a reasonable amount to be determined by a jury at trial, but not to exceed \$75,000.

10.

Plaintiff puts defendant on notice of his intent to add a claim for punitive damages with the Court's approval at a future date.

11.

WHEREFORE, Plaintiffs pray for a judgment against Defendant as follows:

(1) For Plaintiff's total economic damages in an amount to be determined by a jury at

trial but not to exceed \$75,000

(2) For Plaintiff's total non-economic damages in an amount to be determined by a jury

at trial but not to exceed \$250,000;

(3) For Plaintiff's costs and disbursements incurred herein; and

(4) For such other relief as the court deems just and equitable.

Dated this 4th day of November, 2021.

By: /s/ Joshua V. Callahan
Joshua V. Callahan, OSB No. 110853
joshua@callahanlawyer.com
of Attorneys for Plaintiff

A TRIAL BY JURY IS HEREBY DEMANDED.

Joshua V. Callahan, OSB No. 110853
TRIAL ATTORNEY